

AUDIO SERVICES
D.M.

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**REYNOLDS TECHNICAL
ASSOCIATES**

~~OCT 9 2 46 PM '97~~

301 Cedar Street, Suite 4
Greenville, AL 36037
(334) 382-3239 Fax 382-2940

September 25, 1997

Mr. William F. Caton, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RECEIVED
OCT-9/1997

RE: Petition for Rule Making
Change in Community of License
KVMX(FM) Eastland, Texas

Dear Mr. Caton:

Enclosed please find a petition for rule making that we wish to file for our client, Cowboy Broadcasting, LLC.

The copies should be forwarded to:
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

The original and four copies are included as is copy labeled " Receipt Stamp Copy." Please have someone in your office receipt stamp this copy and return it in the attached envelope.

Thank you for your assistance in getting this Petition for Rule Making filed.

Sincerely,
REYNOLDS TECHNICAL ASSOCIATES

Paul Reynolds
Paul Reynolds

ORIGINAL

AUDIO SECTION
FBI

OCT 9 2 45 PM '97

Before the

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In The Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Eastland & Baird, Texas)

MM Docket

RM

To:

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

RECEIVED
OCT - 9 1997

FCC MAIL ROOM

PETITION FOR RULE MAKING

Cowboy Broadcasting, LLC. ("Cowboy"), a Texas partnership, and licensee of KVMX(FM) Eastland, Texas, hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the deletion of channel 236A at Eastland, Texas, and the allocation of channel 236C3 to Baird, Texas, as that Community's first broadcast service. It further requests that the license of KVMX be changed accordingly. Cowboy gives the required verifications and also certifies that if the Commission allocates the channel to Baird, it will timely file an application to modify the existing licensed facility of KVMX.

CHANNEL 236A AT EASTLAND

Presently KVMX operates on channel 244A. However, this channel was deleted and channel 236A substituted in MM Docket 96-10. It is by using the newly allocated channel 236A that the instant petition is filed. Cowboy has waited for a Memorandum Opinion and Order which finalizes the channel 236A substitution at Eastland. However, a petition for reconsideration has greatly delayed a final decision. The instant petition assumes the proposed MM Docket 96-10 substitution at Eastland.

REMAINING SERVICE AT EASTLAND

The deletion of channel 236A at Eastland, Texas does not deprive that community of an existing local service, since KEAS(FM) Channel 249A will remain as a licensed local service to Eastland. In addition KEAS-AM (1590 kHz) also provides local service to Eastland.

CHANNEL 236C3 AT BAIRD QUALIFICATIONS

As shown by the attached channel study, channel 236C3, when allocated to Baird, appears to have no short spacing to any known licensed facilities, proposed minor changes or proposed rule makings. It also appears that the nearest short spacing concerns are as follows: KVRP(FM), (channel 238C1) Haskell, Texas, at 335.10°(Degrees) True; KNEL(FM) (channel 237A), Brady, Texas, at 178.6°(Degrees) True and KWRD(FM), (channel 235C) Arlington, Texas at 84.6°(Degrees)

True. The intersecting of these minimum distance separation contours create the location area for a fully spaced antenna site for channel 236C3 at Baird.

The attached map shows that the fully spaced site chosen for the instant rule making would cover 100% of the proposed city of license with a hypothetical 70 dBu F(50,50) contour. The distance shown for a class C3 facility (25 kW, 100 meters HAAT) is 23.2 kilometers (14.5 miles). Since none of the limiting stations in the channel study are close, a map depicting the allocations window is omitted.

In order to alleviate potential FAA problems, Cowboy could possibly use an existing structure in excess of 350 feet AGL at a fully spaced reference site under Section 73.215. If the Commission allocates channel 236C3 to Baird as that community's first local aural service, antenna sites in the immediate area of the Cowboy reference coordinates will be available without FAA obstruction concerns.

In addition to channel 236C3 providing a first local service to Baird, it will be the only local service to Callahan County. With a class C3 wide area service, all of Callahan County will be inside the 60 dbu contour.

BAIRD, TEXAS

Baird is located in Callahan County, Texas. It has local banking, a functioning school system, a public library, in addition to police and municipal service systems which give it the required indicia required by the Commission to be a community of license. According to the

United States Census Bureau, Baird had a population of 1,658 persons on January 1, 1990 (Callahan County 11,859 persons). The community is recognized as a Census Designated Area by the US Census Bureau. Information from the Texas Secretary of State depicts that it has a functioning city government and has been an incorporated city for several years.

PETITION SUMMARIZED

The petition for the allocation of channel 236C3 at Baird can be SUMMARIZED as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Eastland	249A, 236A	249A
Baird	-----	236C3

No substitutions of channels in other markets or interruption of services are necessary for this allocation. Since there are no channel deletions or substitutions necessary for the allocation of channel 236C3 at Baird, it can be allotted and the application for a construction permit filed immediately.

EXPRESSION OF INTEREST

Cowboy states that it will construct and daily operate this station, if the channel is deleted at Eastland and substituted at Baird.

GAIN(LOSS) AREA & REMAINING SERVICES

Exhibit C is a map depicting the gain and loss area for the deletion of channel 236A at Eastland and the allocation of channel 236C3 at Baird. The map depicts that the PRM

produces a net gain of 2,677.30 square kilometers and a population gain of 38,265 persons. See Exhibit C for computations on gain and loss areas plus population study results..

Exhibit D is a list of the various facilities (and their technical parameters) used in the remaining services study. Services other than the facilities listed cover the area vacated by the KVMX 60 dBu when it is reassigned to Baird. However, this study is included to demonstrate a minimum of 5 services remaining. See map form, Exhibit E.

CONCLUSION

In MM Docket 96-10 the Commission deleted channel 244A and substituted channel 236A for use by KVMX. Now Cowboy Broadcasting, Inc., is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the deletion of channel 236A at Eastland, Texas, and the allocation of channel 236C3 at Baird, Texas, as that community's first local service. This channel is available for allocation immediately as it requires no other deletions and/or substitutions in other communities. In addition, the allocation will not require a site restriction. In fact the community of Baird reference coordinates were used to determine the channel spacing to other FM facilities. Cowboy certifies that it will file a form 301 for the required KVMX modification from Eastland to Baird, if the channel is allocated.

CERTIFICATION

I, Cliff Boyd, partner in Cowboy Broadcasting, LLC, licensee of KVMX and Petitioner for the deletion of channel 236A at Eastland and the allocation of channel 236C3 at Baird, Texas (and the modification of the KVMX license accordingly), do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,
COWBOY BROADCASTING, LLC.


By: Cliff Boyd
Partner

This 22 Day of August, 1997

COWBOY BROADCASTING, LLC.
1110 South Santa Fe Trail
Duncanville, Texas 75137

ENGINEERING STATEMENT

IN SUPPORT OF A PETITION FOR RULE MAKING

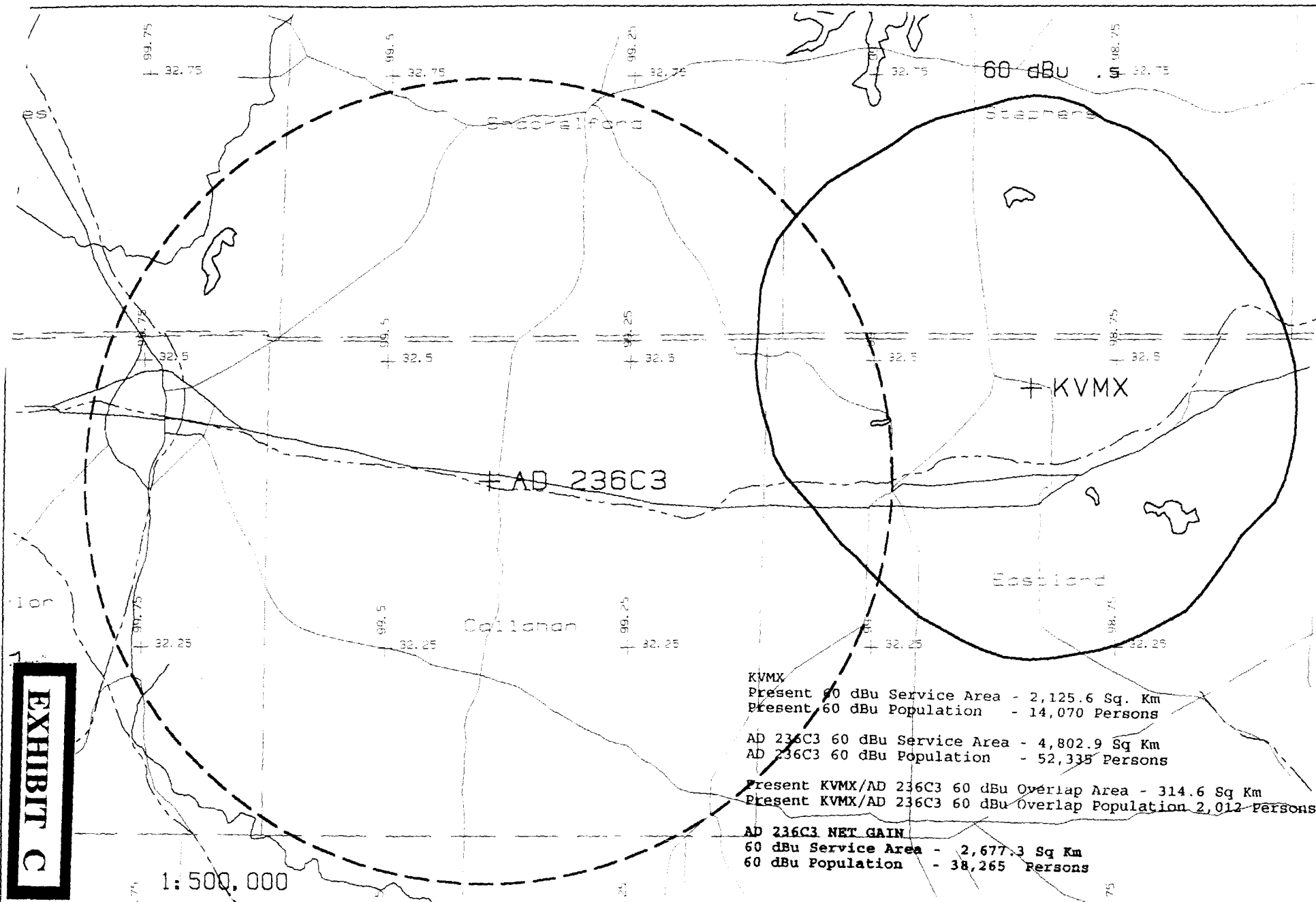
Deleting Channel 236A @ Eastland, Texas
Adding Channel 236C3 @ Baird, Texas

COWBOY BROADCASTING, LLC.

CHANNEL 236C3 ALLOCATION STUDY [DEPICTING SPACING TO ALL KNOWN FM FACILITIES] (USING COMMUNITY COORDINATES AS REFERENCE)

32 23 45 N.			Class C3				Search Date
99 23 44 W.			Current rules spacings				08-06-97
			Channel 236 - 95.1 MHz				
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
Community of Baird			TX	0.0	0.00	*	
Reference Coordinates:							
North latitude: 32-23-45							
West Longitude: 99-23-44							
ALOPEN 236A Eastland			TX	80.3	53.10	142.0	-88.90 *
Of No Concern							
Allocated Channel for KVMX							
in MM Docket 96-10							
KVRPFM	238C1	Haskell	TX	335.1	93.56	76.0	17.56
KNELFM	237A	Brady	TX	178.6	141.04	89.0	52.04
KWRDFM	235C	Arlington	TX	84.6	229.03	176.0	53.03
AD237	237A	Jacksboro	TX	51.7	147.10	89.0	58.10
KIXYFM	234C1	San Angelo	TX	224.7	141.69	76.0	65.69
CP235	235C2	Electra	TX	11.4	190.94	117.0	73.94

EXHIBIT A



KVMX
 Present 60 dBu Service Area - 2,125.6 Sq. Km
 Present 60 dBu Population - 14,070 Persons

 AD 236C3 60 dBu Service Area - 4,802.9 Sq Km
 AD 236C3 60 dBu Population - 52,335 Persons

 Present KVMX/AD 236C3 60 dBu Overlap Area - 314.6 Sq Km
 Present KVMX/AD 236C3 60 dBu Overlap Population 2,012 Persons

AD 236C3 NET GAIN
 60 dBu Service Area - 2,677.3 Sq Km
 60 dBu Population - 38,265 Persons

1:500,000 Scale in km 	1kW N. Lat. 32 25 13 W. Lng. 99 13 35	KVMX/AL236 G/L AREA REYNOLDS TECHNICAL
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**ENGINEERING STATEMENT
IN SUPPORT OF A**

PETITION FOR RULE MAKING

Channel 236C3, Baird, Texas
COWBOY BROADCASTING, L.L.C.

**KVMX.L (Class A) TO AD 236C3
REMAINING SERVICES STUDY**

<u>CALL SIGN</u>	<u>CITY OF LICENSE</u>	<u>ERP</u>	<u>ANTENNA (meters/RMS)</u>	<u>SITE COORDINATES</u>	<u>CONTOUR NO.</u>
KVMX	Eastland	2.850	93.0	32-28-34 98-50-20	1
KEAS (FM)	Eastland	3.00	62.0	32-23-47 98-46-26	2
KEAS (AM)	Eastland	0.50	224.18	32-23-47 98-46-26	3\1
WBAP	FT. Worth	50.0	2810.82	32-36-38 97-10-00	4
KLIF	Dallas	5.0	732.25	32-56-40 96-59-25	5
KSKY	Balch Sp	10.0	930.97	32-45-02 96-41-41	6
KPBC	Garland	10.0	1021.20	33-01-58 96-34-31	7
KRLD	Dallas	50.0	2788.05	32-53-25 96-38-44	8

\1 Contour increased to 1 mV/m for map purposes

EXHIBIT D

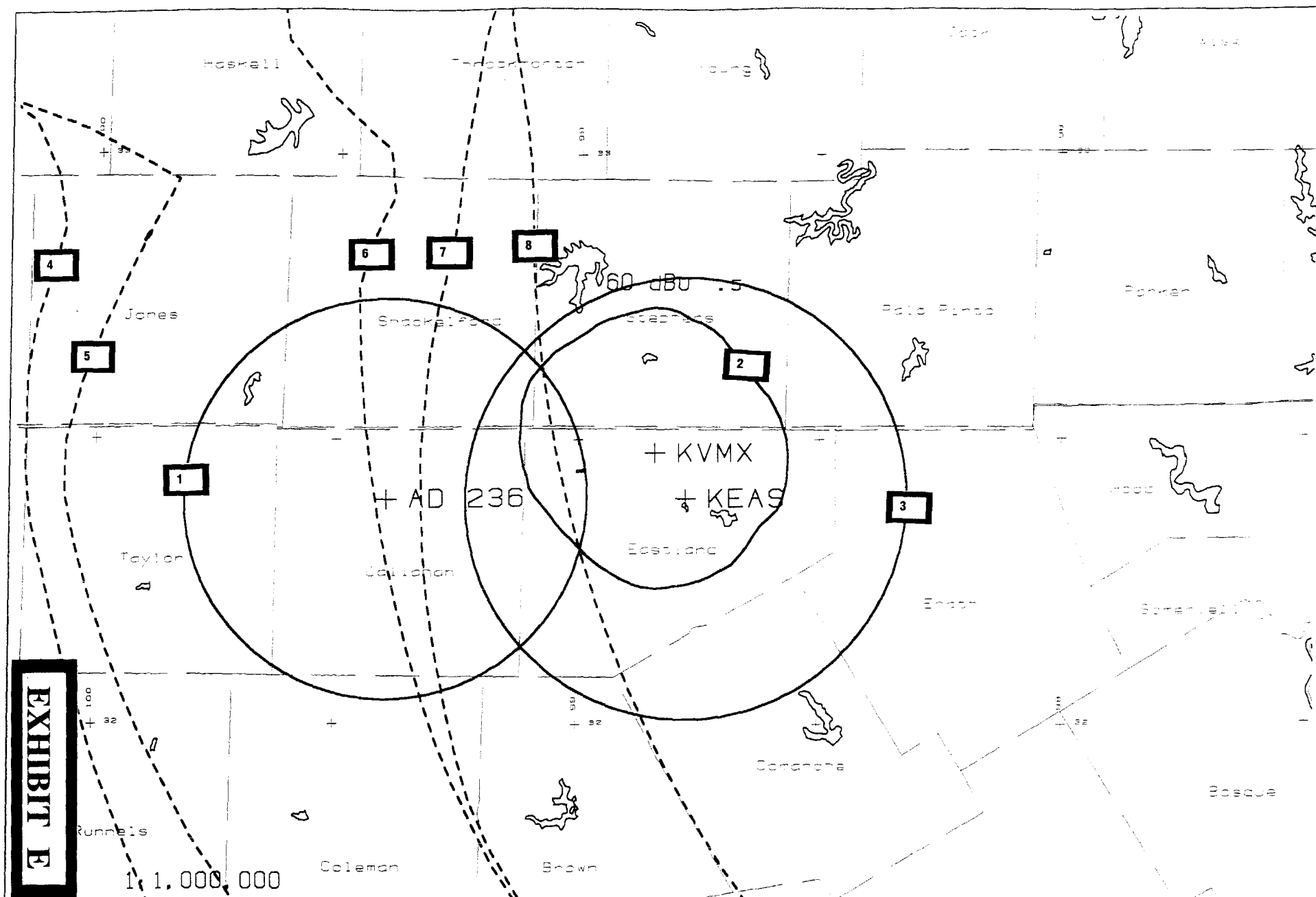
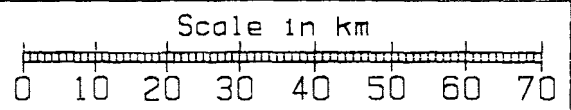


EXHIBIT E



N. Lat. 32 28 34

W. Lng. 98 50 20

KVMX REMAINING SERVICE
REYNOLDS TECHNICAL